

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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STATE FARM GENERAL INSURANCE
COMPANY,

Plaintiff,

v.

OUTRIDER U.S.A., and DOES 1-
20, Inclusive,

Defendant.

NO. 2:21-cv-02183 WBS AC

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for October 11, 2022, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

1 under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to
4 pleadings will be permitted except with leave of court, good
5 cause having been shown under Federal Rule of Civil Procedure
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction is predicated upon 28 U.S.C. § 1332,
10 because there is complete diversity between the parties and the
11 amount in controversy exceeds \$75,000. Venue is undisputed and
12 hereby found to be proper.

13 IV. DISCOVERY

14 The parties agree to serve the initial disclosures
15 required by Federal Rule of Civil Procedure 26(a)(1) on or before
16 November 11, 2022.

17 The parties shall disclose experts and produce reports
18 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
19 later than January 24, 2023. With regard to expert testimony
20 intended solely for rebuttal, those experts shall be disclosed
21 and reports produced in accordance with Federal Rule of Civil
22 Procedure 26(a)(2) on or before February 24, 2023.

23 All discovery, including depositions for preservation
24 of testimony, is left open, save and except that it shall be so
25 conducted as to be completed by March 24, 2023. The word
26 "completed" means that all discovery shall have been conducted so
27 that all depositions have been taken and any disputes relevant to
28 discovery shall have been resolved by appropriate order if

1 necessary and, where discovery has been ordered, the order has
2 been obeyed. All motions to compel discovery must be noticed on
3 the magistrate judge's calendar in accordance with the local
4 rules of this court and so that such motions may be heard (and
5 any resulting orders obeyed) not later than March 24, 2023.

6 V. MOTION HEARING SCHEDULE

7 All motions, except motions for continuances, temporary
8 restraining orders, or other emergency applications, shall be
9 filed on or before May 8, 2023. All motions shall be noticed for
10 the next available hearing date. Counsel are cautioned to refer
11 to the local rules regarding the requirements for noticing and
12 opposing such motions on the court's regularly scheduled law and
13 motion calendar.

14 VI. FINAL PRETRIAL CONFERENCE

15 The Final Pretrial Conference is set for July 17, 2023,
16 at 1:30 p.m. in Courtroom No. 5. The conference shall be
17 attended by at least one of the attorneys who will conduct the
18 trial for each of the parties and by any unrepresented parties.

19 Counsel for all parties are to be fully prepared for
20 trial at the time of the Pretrial Conference, with no matters
21 remaining to be accomplished except production of witnesses for
22 oral testimony. Counsel shall file separate pretrial statements,
23 and are referred to Local Rules 281 and 282 relating to the
24 contents of and time for filing those statements. In addition to
25 those subjects listed in Local Rule 281(b), the parties are to
26 provide the court with: (1) a plain, concise statement which
27 identifies every non-discovery motion which has been made to the
28 court, and its resolution; (2) a list of the remaining claims as

1 against each defendant; and (3) the estimated number of trial
2 days.

3 In providing the plain, concise statements of
4 undisputed facts and disputed factual issues contemplated by
5 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
6 that remain at issue, and any remaining affirmatively pled
7 defenses thereto. If the case is to be tried to a jury, the
8 parties shall also prepare a succinct statement of the case,
9 which is appropriate for the court to read to the jury.

10 VII. TRIAL SETTING

11 The jury trial is set for September 19, 2023 at 9:00
12 a.m. The parties have not provided an estimate as to how many
13 days the trial will last.

14 VIII. SETTLEMENT CONFERENCE

15 A Settlement Conference will be set at the time of the
16 Pretrial Conference. All parties should be prepared to advise
17 the court whether they will stipulate to the trial judge acting
18 as settlement judge and waive disqualification by virtue thereof.

19 Counsel are instructed to have a principal with full
20 settlement authority present at the Settlement Conference or to
21 be fully authorized to settle the matter on any terms. At least
22 seven calendar days before the Settlement Conference counsel for
23 each party shall submit a confidential Settlement Conference
24 Statement for review by the settlement judge. If the settlement
25 judge is not the trial judge, the Settlement Conference
26 Statements shall not be filed and will not otherwise be disclosed
27 to the trial judge.

28 IX. MODIFICATIONS TO SCHEDULING ORDER

1 Any requests to modify the dates or terms of this
2 Scheduling Order, except requests to change the date of the
3 trial, may be heard and decided by the assigned Magistrate Judge.
4 All requests to change the trial date shall be heard and decided
5 only by the undersigned judge.

6 IT IS SO ORDERED

7 Dated: September 30, 2022



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE